

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN KEITH WRIGHT,

Plaintiff

Case No. 2:23-cv-00126-GMN-VCF

ORDER

v.

CITY OF LAS VEGAS,

Defendant

I. DISCUSSION

On January 24, 2023, Plaintiff Brian Keith Wright, an inmate in the custody of the Federal Bureau of Prisons, initiated this case with a civil rights complaint. (ECF No. 1-1.) Plaintiff filed an application to proceed *in forma pauperis* using state court forms instead of this Court's approved forms. On February 17, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* without prejudice and ordered Plaintiff to file an application to proceed *in forma pauperis*, using this Court's approved forms by April 21, 2023.

On March 20, 2023, Plaintiff filed a letter requesting an update on the status of this case. (ECF No. 4.) Plaintiff also asked the Court to send him "whatever is needed to file a federal tort claim." (*Id.*) Plaintiff appears to be bringing claims under § 1983 in this case. (ECF No. 1-1.) The Court will send Plaintiff the approved for filing a § 1983 complaint in case Plaintiff is trying to file an amended complaint in this case. To the extent that Plaintiff is requesting that the Court provide him documents to initiate a different case, Plaintiff's request is denied.

Plaintiff has not filed an application to proceed *in forma pauperis* or otherwise responded to the Court's order. However, in light of Plaintiff's letter, the Court will grant Plaintiff an extension until **July 21, 2023**, to file a complete application to proceed *in forma pauperis* or pay the \$402 filing fee in full.

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As the Court explained in its previous order, the United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

It is further ordered that Plaintiff has **until July 21, 2023**, to either pay the full \$402 filing fee or file.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

It is further ordered that the Clerk of the Court will send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his original

1 complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he should use
2 the approved form and he will write the words "First Amended" above the words "Civil
3 Rights Complaint" in the caption.

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5 DATED THIS 23rd day of May 2023.

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7 UNITED STATES MAGISTRATE JUDGE
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